THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1107 of 2007

Dated:22.01.2007

Between:

N.Bhaskar and another.

…Petitioners

and

Sri Mallikarjuna Swamy Devasthanam, and others.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1107 of 2007

ORDER:

The two petitioners are aggrieved by the order passed by the Executive Officer, Sri Mallikarjuna Swamy Devasthanam, Komaravalli Village of Cherial Mandal in Warangal District, which reads as under.

Circular No:S.M.D.K.256/A/2006, Dt.12/01/2007

Sub: Sri Sri Sri Mallikarjuna Swamy Devasthanam, Komaravalli, Cheryala Mandal, Warangal Dist., to perform Abhisekhams at Cellor to the Swamy varu on the eve of the 2007 Jathara – Regarding.

This is to inform to all the Archaka Swamys that on the eve of the after Sankranthi function i.e., from 21/01/2007 i.e., Sunday to 19/02/2007 on the occasion of the Jathara, it is decided to conduct the Abhisekhams to the Sri Sri Sri Mallikarjuna Swamy Varu, for the convenience of the devotees, it is decided to perform the Abhisekams on every Sundays and Mondays at the Cellor only.

Sd/-xxx
Executive Officer

The petitioners contend that it has been their religious belief that

performance of Abhishekam of Shiva Lingam by touching only is the proper way of performing the ritual, that if the pilgrims and devotees are allowed to perform Abhishekam to Utsava Murthulu in stead of main Shiva Lingam in the Temple, it would not be proper way and would hurt the religious belief of the petitioners. They claim that for the last more than 500 years, in the subject Temple, Abhishekam was allowed in the sanctum sanctorum to the main deity and the present circular instructions issued by the second respondent is, therefore, in violation of fundamental rights of the petitioners under Articles 25 and 26 of the Constitution of India.

A perusal of the impugned circular/order would show that the ritual of performing Abhishekam to Shiva Lingam is only stopped during a limited period from 21.01.2007 to 19.03.2007. There is no denial that there is going to be a huge congregation/jathara during this period. Therefore, presumably, to enable large number of devotees to have darshan of the presiding deity in the sanctum sanctorum, such a move was contemplated. If any steps are taken by the Temple Management in furtherance of satisfaction and respecting the religious belief of large number of people to have darshan of Shiva Lingam in the main Temple during the jathara period on Shivarathri on 16.02.2007, the same cannot be branded as a violation of Article 25 of the Constitution of India, right of the petitioners. Further, this Court is of considered opinion that such issues are not capable of adjudication in a Writ Petition under Article 226 of the Constitution of India. If the petitioners seek a declaration to that effect, their remedy is to approach the civil Court and seek declaration by placing all the evidence regarding the custom over the last 500 years.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

22.01.2007
vs